

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

STEVEN DEAN JONES,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. CV 11-2242-DOC (SP)

**ORDER ACCEPTING FINDINGS AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the First Amended Complaint, records on file, and the Report and Recommendation (“R&R”) of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which plaintiff has objected. The Court adopted the magistrate judge’s R&R as its opinion in all respects but one:

1 On page 18, from lines 9 through 22, the R&R discusses the plausibility that plaintiff was
2 deterred from filing complaints by threats received after he was released from solitary
3 confinement (the “SHU”). Plaintiff complained vigorously while in the SHU, then did not
4 complain upon his release. This is a factual scenario that leads to multiple plausible inferences,
5 and it does not clearly cut in favor of finding plaintiff’s claim of deterrence (when out of the
6 SHU) to be implausible. One could fairly infer that because plaintiff was out of the SHU, threats
7 to put him back there would deter him.

8 The remaining analysis—finding that he was not in fact deterred—leads to the same
9 outcome. Thus, with that one omission (striking the paragraph from page 18, lines 9 through 22,
10 and beginning the subsequent paragraph with “Even if,”), the Court adopts the R&R.

11
12 DATED: September 26, 2013

13
14 

15 DAVID O. CARTER
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28